

2005 DRAFTING REQUEST

Bill

Received: 01/12/2005

Received By: agary

Wanted: Soon

Identical to LRB:

For: Glenn Grothman (608) 266-7513

By/Representing: Ron Sklansky - LC

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters: phurley

Subject: Transportation - highways

Extra Copies:

Submit via email: YES

Requester's email: Sen.Grothman@legis.state.wi.us

Carbon copy (CC:) to: Ron.Sklansky@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

DOT rules (233) relating to land subdivisions abutting state trunk highways

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 01/12/2005	wjackson 01/12/2005					
/1			pgreensl 01/13/2005		sbasford 01/13/2005	mbarman 01/13/2005	

FE Sent For:

→ Not Needed

<END>

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1?	agary	1 wj 1/12	1/13 p8	1/13 self			

FE Sent For:

<END>

5
2003 SENATE BILL 494

R M N R

LPS: Please PWF

February 24, 2004 - Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Transportation and Information Infrastructure.

Regen

- 1 AN ACT *to amend* 85.16 (1) and 236.13 (1) (e) of the statutes; relating to:
- 2 Department of Transportation rules relating to land subdivisions abutting
- 3 state trunk highways and connecting highways.

Analysis by the Legislative Reference Bureau

Under current law, a proposed plat of a subdivision must have the approval of the Department of Administration before the plat can be recorded. Among other criteria for approval is compliance with rules promulgated by the Department of Transportation (DOT) relating to the safety of entrance upon and departure from the abutting state trunk highways or connecting highways. A subdivision is defined as a division of a lot, parcel, or tract of land by the owner or the owner's agent for the purpose of sale or of building development if the act of division (or subsequent acts within five years) creates five or more parcels or building sites of one and one-half acres each or less in area.

This bill limits the rule-making authority of DOT. Under the bill, DOT's rules are restricted to subdivisions abutting state trunk highways or connecting highways. A subdivision does not abut a state trunk highway or connecting highway if there is any separation between the exterior boundary shown in the subdivision plat and the highway right-of-way. If the rules provide for a setback area from a state trunk highway or connecting highway within which improvements may not be installed, the rule must define improvements to mean only buildings.

This bill is introduced as required by s. 227.26 (2) (a), stats., in support of the action of the Joint Committee for Review of Administrative Rules in suspending a

SENATE BILL 494

portion of ch. Trans 233, Wis. Adm. Code, on January 28, 2004. The suspended rules related to dividing or developing lands that were not necessarily a proposed subdivision.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 85.16 (1) of the statutes is amended to read:

2 85.16 (1) The secretary may make reasonable and uniform orders and rules
3 deemed necessary to the discharge of the powers, duties and functions vested in the
4 department. Except as provided in s. 236.13 (1) (e), the department is not vested with
5 any power, duty, or function regarding a division of land abutting a state trunk
6 highway or connecting highway. The secretary may also prescribe forms for
7 applications, notices and reports required by law to be made to the department or
8 which are deemed necessary to the efficient discharge of all powers, duties and
9 functions and prescribe the form and manner in which those applications, notices
10 and reports may be filed or submitted.

11 **SECTION 2.** 236.13 (1) (e) of the statutes is amended to read:

12 236.13 (1) (e) The rules of the department of transportation relating to
13 provision for the safety of entrance upon and departure from the abutting state trunk
14 highways or connecting highways and for the preservation of the public interest and
15 investment in such highways. The rules shall apply only to a subdivision and only
16 if land within the subdivision abuts a state trunk highway or connecting highway.
17 If the rules provide for a setback area from a state trunk highway or connecting
18 highway within which improvements may not be installed, the rule shall define
19 improvements to mean only buildings. For purposes of this paragraph, subdivision
20 land does not abut a state trunk highway if there is any separation, whether by

SENATE BILL 494

1 unplatted lands, a service road, or otherwise, between the exterior boundary shown
2 in the preliminary or final plat submitted for approval and the highway
3 right-of-way

4 (END)

Barman, Mike

From: Emerson, James
Sent: Thursday, January 13, 2005 2:56 PM
To: Barman, Mike
Cc: Solie, Denise
Subject: JCRAR Report (LRB 05-1663/1)



Trans 233 Report
to the Legisl...

Basford, Sarah

From: Emerson, James
Sent: Thursday, January 13, 2005 2:56 PM
To: LRB.Legal
Subject: Draft review: LRB 05-1663/1 Topic: DOT rules (233) relating to land subdivisions abutting state trunk highways

It has been requested by <Emerson, James> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-1663/1 Topic: DOT rules (233) relating to land subdivisions abutting state trunk highways

Barman, Mike

From: Renk, Jeff
Sent: Wednesday, January 19, 2005 9:14 AM
To: Barman, Mike
Subject: RE: JCRAR bills

Mike,

Senate Bills 10, 11, 12 and 13. If they printed out OK, without the "by request of by request of....", then we're fine.

Thanks.

Jeff

-----Original Message-----

From: Barman, Mike
Sent: Wednesday, January 19, 2005 9:10 AM
To: Renk, Jeff
Cc: Hanaman, Cathlene
Subject: RE: JCRAR bills

Jeff ... do you know which bills had the error. I looked at most of the AB's we introduced yesterday and they looked OK.

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
1 East Main, Suite 200 Madison, WI 53703

-----Original Message-----

From: Renk, Jeff
Sent: Tuesday, January 18, 2005 5:16 PM
To: Barman, Mike
Subject: JCRAR bills

Mike,

I know it's probably too late, and I tried calling you, but there's an error on all those JCRAR bills that had "by request of 2003-2004 Rule Objection" on them. The words "by request of" came in twice. Hopefully you noticed them when you did your proofing and corrected it. Is there any way we can stop those? I already made the changes in the database so any merging of documents should be fixed now. I'll talk to you tomorrow. Thanks.

Jeffrey Renk

Assistant Chief Clerk
Wisconsin Senate
Room 401, Risser Justice Center
17 W. Main Street
Madison, WI 53703
(608) 266-2517
jeff.renk@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1663/1
ARG&PJH:wlj:ng

2005 SENATE BILL 10

01-19-2005
corrected
copy

January 18, 2005 - Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES, by request of by request of 2003-2004 Rule Objection. Referred to Committee on Natural Resources and Transportation.

- 1 AN ACT *to amend* 85.16 (1) and 236.13 (1) (e) of the statutes; **relating to:**
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This bill is introduced as required by s. 227.26 (2) (j), stats., in support of the action of the Joint Committee for Review of Administrative Rules in suspending a